

Application No. 10/804,210
Amendment Dated September 6, 2005
Reply to Office Action of July 8, 2005

REMARKS/ARGUMENTS:

By the present Amendment, claim 1 is amended. No new matter has been added. Claims 1, 2 and 4 – 22 are pending in the application, with claims 1, 12 and 20 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 6 – 9, 11 – 17, 19 - 20 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,494,457 to Kunz (the Kunz '457 patent). Applicants respectfully traverse this rejection, since the Kunz patent clearly does not disclose, teach or render obvious the subject matter of independent claims 1, 12 and 20.

Independent claim 1 recites, inter alia, first and second ears unitarily formed with a unitarily formed connector housing.

Independent claims 12 and 20 recite, inter alia, a rib extending outwardly from a latch beam at least as high as the first and second ears.

The Kunz '457 patent discloses a strain relief connector or boot 30 adapted to engage a plug 14. The boot 30 has wings 44 and 46 sized to extend *above and beyond* the free end 20 of the tab 18 to protect the tab from unwanted contact with any obstructions (col. 3, lines 37 – 47). The boot 30 is *slidably disposed* on and separately formed from the plug 14, as shown in FIGS. 1 and 2. The wings 44 and 46 are integrally formed with the boot 30, as is clearly shown in FIG. 2. Thus, the Kunz '457 patent does not disclose nor render obvious first and second ears unitarily formed with a unitarily formed connector housing, as recited in independent claim 1.

Furthermore, modifying the Kunz '457 patent such that the plug 14 and boot 30 are unitarily formed would not be obvious. As stated in col. 1, lines 32 - 39, a disadvantage associated with forming a plug with wings is that this “does not lend itself to easily retrofitting existing cable systems since the plug must be replaced.” Moreover, an object of

the Kunz '457 patent is to provide "an improved boot for protecting a tab of a plug which is easily applied to an existing connection." Col. 1, lines 46 – 49. Thus, the Kunz ' 457 expressly teaches away from modifying the plug 14 to be unitarily formed with the boot 30 to have a unitarily formed connector housing, as recited in independent claim 1.

As clearly shown in FIG. 4, the free end 20 of the tab 18, which the examiner cites as being the rib recited in independent claims 12 and 20, does not extend at least as high as the wings 44 and 46 of the Kunz '57 patent. Thus, the Kunz '457 patent does not disclose a rib extending outwardly from a latch beam at least as high as the first and second ears, as recited in independent claims 12 and 20. "[T]he wings 44, 46 are sufficiently sized to extend above and beyond the free end 20 of the tab 18." Col. 3, lines 37 – 41. Thus, it would not be obvious to make the free end 20 of the tab 18 higher since to do so would contravene the express teaching of the Kunz '457 patent. Moreover, the Kunz '457 patent clearly teaches away from having a rib extending at least as high as the first and second ears, since the wings 44 and 46 of the Kunz '457 patent are sufficiently sized to *extend above* the free end 20 of the tab 18. Modifying the wings 44 and 46 of the Kunz '457 patent as suggested in the Office Action would render the Kunz unsuitable for its intended purpose. Independent claims 12 and 20 are clearly not anticipated or rendered obvious by the Kunz' 457 patent.

Therefore, the Kunz '457 patent does not disclose or render obvious the claimed features of Applicants' invention as recited in independent claims 1, 12 and 20, or their respective dependent claims 2, 4 – 11, 13 – 19 and 21 – 22.

Claims 2, 4 – 11, 13 – 19 and 21 – 22, being dependent upon claims 1, 12 and 20, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the connector being an RJ-45 plug of claims 2 and 13; the rib extending higher than the first and second ears of claim 4; a portion of the rib tapering toward a rear end of the latch beam of claims 10, 18 and 21; and the rib being unitarily formed with the latch beam of claims 11, 19 and 22. Therefore, dependent claims 2, 4 – 11, 13 – 19 and 21 – 22 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

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Rejections under 35 U.S.C. § 103(a)

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kunz '457 patent in view of U.S. Design Patent D477,571 to Huang et al. (the Huang '571 patent). Applicants respectfully traverse this rejection, since the Kunz '457 patent clearly does not disclose, teach or render obvious the subject matter of dependent claim 5.

The Huang '571 patent is cited for disclosing a rib (the gripped portion) that extends higher than the first and second ears, as shown in FIG. 4. However, the Kunz '457 patent is not modifiable as suggested in the Office Action. The wings 44 and 46 of the Kunz '457 patent are "sufficiently sized to extend above and beyond the free end 20 of the tab 18 so as to engage any obstructions when pulling or snaking the cord 12 through a space thereby protecting the tab 14 from unwanted contact with the obstructions." Col. 3, lines 37 – 47. Therefore, modifying the wings 44 and 46 of the Kunz '457 patent as suggested in the Office Action would render the Kunz unsuitable for its intended purpose. The Huang '571 patent cannot properly be combined with the Kunz '457 patent since to do so would destroy that on which the invention of the Kunz '457 patent is based. Ex parte Hartmann, 186 USPQ 366 (PTO Bd. App. 1974). The rejection of dependent claim 5 is improper and should be withdrawn.

Thus, the Huang '571 patent does not cure the deficiency in the Kunz '457 patent regarding a rib extending higher than the first and second ears. Therefore, dependent claim 5 is not anticipated nor rendered obvious in view of the Kunz '457 and Huang '571 patents.

Allowable Subject Matter

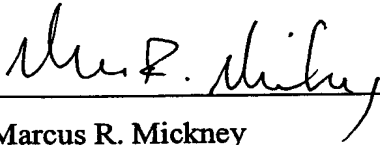
Applicants appreciate the indicated allowability of objected to claims 10, 18 and 21, which would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

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In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1, 2 and 4 – 22 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,



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